

REMARKS

Applicant's attorney appreciates Examiner Bui taking the time to discuss U.S. Patent No. 6,594,472 over the telephone in view of the claims.

U.S. 6,594,472 (the '472 Patent) is directed to a cellular phone that includes a pair of removable exterior housings that encapsulate the electronics and battery of the phone to protect the components of the phone. The phone of the '472 patent includes an internal support structure that provides slots adapted to accept corresponding hooks on the exterior housing members. The '472 patent does not anticipate or render obvious the claims, as amended. As emphasized in the specification of the '472 patent, we see no basis for the examiner to maintain that the '472 patent anticipates the claims, as amended. The '472 patent does not disclose a protective mask having first and second mask portions molded to conform to the shape of an exterior housing of a cellular phone. The '472 patent teaches a cellular phone with removable exterior housing members 2, 3 that are secured to an internal support structure, as shown in Fig. 1. There is no teaching or suggestion of using a protective mask structure to cover the existing exterior housing of a mobile phone. As can be seen in Figs. 4 and 6 of the '472 patent, the exterior housing members 2, 3 include hook members 30, 37, 38 that are needed to secure the exterior housing halves 2, 3 to corresponding channels 29 in the internal support structure 4, as shown in Fig. 3. Applicant's invention is designed to be used on a cellular phone to cover fixed or removable exterior housing members on a cellular phone to change the appearance (e.g. color) of their phone without requiring the removal of the manufacturer's exterior housing of the phone.

Summary

Applicant's invention is a novel protective mask adapted to be coupled to an exterior housing of a mobile phone. The mask comprises first and second mask portions that are coupled to the exterior housing of a mobile phone by use of flanges to effectively secure the mask to the exterior housing of the phone. The mask is designed to prevent abrasion to the mobile phone due to carelessness of a user, thereby preventing ill-favored scars on the mobile phone. The covers are molded to conform to the shape of the phone and include openings to permit access to buttons, touch screens and to allow viewing of displays. The protective mask, when in use, does not interfere with the functionality of the phone or interfere with the existing exterior housing of the phone.

a. Claims 1, 3-4, 6-7 and 9-10 are not anticipated by Curtis 6,594,472

In the office action, claims 1-4 and 6-11 were rejected under 35 U.S.C. 102 or 103 as being anticipated or rendered obvious by Curtis 6,594,472. Applicant respectfully traverses the examiner's arguments.

Claims 1, 7 and 10 of the present application have been amended to positively recite the structure of the mobile phone, which includes circuitry and a battery and have been further amended to require the first and second mask portions to each be molded and coupled to a portion of the exterior housing of the mobile phone to secure the mask to the exterior housing of the phone. The mobile phone illustrated and described in the '472 patent is a phone that was manufactured and sold by Nokia, which includes first and second exterior housing members 2, 3 that conceal the electronics and battery of the mobile phone. The housing of the '472 patent is part of the phone and without it the

phone would be subject to damage from moisture and dust. This would be like Ford selling an automobile without a body. As can be seen in Figs. 4 and 6 of the '472 patent, the exterior housing halves 2, 3 include hook members 30, 37, 38 that are specifically designed to mate with corresponding channels 29 in the internal support structure 4, as shown in Fig. 3.

The phone cover illustrated and described in the '472 patent does not disclose first and second mask portions that are molded to conform to and be coupled to an exterior housing of a mobile phone as set forth in claims 1, 7 and 10, as amended. To take the position that exterior housing of the '472 patent is a mask is incorrect because the '472 patent would need to show a second pair of exterior housing members that are molded to conform and are secured to the first pair of housing members. The ability to use first and second mask portions of the present invention allows the appearance of a mobile phone to be changed without requiring the removal of the factory exterior housing. This is especially important in cases where the exterior housing of the phone is permanently mounted and cannot be removed, as in the case of a Motorola Razr® or Slvr® phone. Applicant's invention, as claimed, allows the user to change the appearance of the phone without requiring removal of the exterior housing of the phone, which in most instances is not possible. Applicant's phone mask, as claimed, is molded to conform to the exterior housing of the phone without any excess width, since the covers are retained to the phone. Applicant's cover appears to be part of the phone and adds little if any noticeable thickness to the phone even though the factory exterior housing is still in place. Thus, since the '472 patent does not teach a protective mask where each half of

the mask portions are secured to the exterior housing of the phone it does not anticipate or render obvious claims 1, 7 and 10.

Claims 2-4 and 6 depend from claim 1, claims 8 and 9 depend from claim 7 and claim 11 depends from claim 10. Since claims 1, 7 and 10 are not anticipated or rendered obvious by the '472 patent, claims 2-4, 8-9 and 11 are also not anticipated or rendered obvious.

Conclusion

For the reasons stated above, applicant requests allowance of pending claims 1-4 and 6-11.

Please contact applicant's undersigned attorney if there are other issues which could assist in expediting prosecution of this application.

No fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account 12-0913 with reference to our attorney docket number 42598-103228.

Respectfully submitted:

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